

REGULAR MEETING

January 9, 1995

The Regular Meeting of the Annapolis City Council was held on January 9, 1995 in the Council Chamber. Mayor Hopkins called the meeting to order at 7:30 p.m. Alderman Snowden offered the invocation followed by the Pledge of Allegiance.

Present: Mayor Hopkins, Aldermen Hammond, Johnson, Gilmer, Tullier, Snowden, DeGraff, Moyer

Alderman Turner was absent due to illness.

Staff Present: City Attorney Goetzke

Alderman Snowden moved to approve the Minutes of December 6, 1994, December 12, 1994 (closed), December 12, 1994. Seconded. CARRIED on voice vote.

Mayor Hopkins presented a Proclamation to Morris H. Blum proclaiming January 10, 1995 as "Morris H. Blum Appreciation Day".

PETITIONS, REPORTS AND COMMUNICATIONS

1. Chris Kelleher
131 Merryman Court
Annapolis, MD 21401

Spoke regarding the environmental health along Hilltop Lane and of the Menke property, the rebricking of Main Street, the sidewalk project on Bay Ridge Avenue, and praised the City for hiring Joseph Johnson as Police Chief.

2. Rose Stevens
409 Washington Street
Annapolis, MD 21401

Spoke regarding the liability claims process.

LEGISLATIVE ACTION

1. O-10-94 Sponsored by Alderman Tullier

For the purpose of clarifying when and under what circumstances appeals taken from decisions of the Planning and Zoning Director to the Board of Appeals and appeals taken from the decisions of the Board of Appeals to the Circuit Court for Anne Arundel County are stayed; and all matters relating to said appeals.

The Rules Committee reported favorably on O-10-94.

Alderman Snowden moved to adopt O-10-94 on second reading. Seconded. CARRIED on voice vote.

Alderman Snowden moved to adopt O-10-94 on third reading. Seconded. CARRIED on voice vote.

2. **O-30-94** Sponsored by Mayor Hopkins

For the purpose of clarifying the circumstances under which a use permit may be issued; and all matters relating to said use permits.

The Rules Committee reported favorably on O-30-94.

Alderman Snowden moved to adopt O-30-94 on second reading. Seconded.

Alderman Johnson moved to amend O-30-94 as follows:

Amendment No. 1:

On Page 2, line 31, add the following:

"F. THE DIRECTOR OF PLANNING AND ZONING, IN CONSULTATION WITH THE CITY ATTORNEY, MAY WAIVE THE REQUIREMENTS OF SECTION 21.78.010C AFTER THE DIRECTOR MAKES A WRITTEN DETERMINATION THAT FOR REASONS SET FORTH THEREIN, SUCH A WAIVER IS IN THE BEST INTEREST OF THE CITY AND DOES NOT IMPERIL OR PROLONG AN EXISTING PERIL TO LIFE OR PROPERTY".

Seconded. CARRIED on voice vote.

Alderman DeGraff moved to amend O-30-94 as follows:

Amendment No. 2:

On Page 2, line 14, immediately following "CITY" strike "CODE" and substitute "BUILDING OR ZONING LAWS".

Seconded. CARRIED on voice vote.

Alderman Tullier moved to amend O-30-94 as follows:

Amendment No. 3:

On Page 2, line 16, immediately following "CITY" add "CHARGED WITH THE ENFORCEMENT OF SAID LAWS".

Seconded. CARRIED on voice vote.

Alderman Tullier moved to amend O-30-94 as follows:

Amendment No. 4:

On Page 2, line 18, immediately following "A" add "BUILDING AND/OR ZONING CODE".

Seconded. CARRIED on voice vote.

Alderman Johnson moved to amend O-30-94 as follows:

Amendment No. 5:

On Page 2, line 30, immediately following "CITY" add "AS DESCRIBED IN SUBPARAGRAPHS C & D OF THIS SECTION".

Seconded. CARRIED on voice vote.

Alderman Johnson moved to adopt O-30-94 as amended on second reading. Seconded. CARRIED on voice vote.

Alderman Johnson moved to adopt O-30-94 Amended on third reading. Seconded.

CARRIED on voice vote.

3. **O-38-94** Sponsored by Aldermen Johnson, Snowden, Moyer

For the purpose of creating procedures by which the City of Annapolis may acquire private streets located in certain developments if the required number of property owners in the development petition the City to acquire the streets; providing for the creation of special taxing districts and the imposition of an ad valorem tax to pay costs associated with improving such streets in appropriate cases; and all matters relating to said procedures.

The Finance Committee reported favorably on 38-94.

The Rules Committee reported favorably on O-38-94 with amendments.

Alderman Johnson moved to adopt O-38-94 on second reading. Seconded.

Alderman Johnson moved to amend O-38-94 as follows:

Amendment No. 1:

On Page 7, line 6, add the following:

- "10. THE RESOLUTION SHALL PROVIDE THAT THE CITY SHALL NOT ACQUIRE THE PRIVATE STREET IF:
- A. THE CITY COUNCIL FAILS TO CREATE A SPECIAL TAXING DISTRICT PURSUANT TO CHAPTER 6.20 OF THIS CODE, UNLESS SUCH A TAX IS NOT REQUIRED PURSUANT TO SECTION 14.28.040B;
- B. THE DIRECTOR OF FINANCE DETERMINES THAT REVENUES ANTICIPATED FROM THE AD VALOREM TAX ARE UNLIKELY TO MEET THE REQUIREMENTS OF SECTION 14.28.040A.3; OR
- C. THE DIRECTOR OF FINANCE DETERMINES THAT THE TOTAL COST OF PROVIDING ALL IMPROVEMENTS REFERRED TO IN SECTION 14.28.010 ARE LIKELY TO EXCEED PETITIONERS' ESTIMATION OF COSTS THEREUNDER BY FIFTEEN PERCENT OR MORE."

Seconded. CARRIED on voice vote.

Alderman Snowden moved to adopt O-39-94 as amended on second reading. Seconded. CARRIED on voice vote.

Alderman Snowden moved to adopt O-39-94 Amended on third reading. Seconded. CARRIED on voice vote.

4. **O-39-94** Sponsored by Aldermen Johnson, Snowden, Moyer

For the purpose of creating special taxing districts to levy ad valorem taxes to finance costs incurred in improving private streets acquired by the City; and all matters relating to said taxing districts.

The Rules Committee reported favorably on O-39-94.

The Finance Committee reported favorably on O-39-94.

Alderman Johnson moved to adopt O-39-94 on second reading. Seconded. CARRIED on voice vote.

Alderman Snowden moved to adopt O-39-94 on third reading. Seconded. CARRIED on voice vote.

5. **O-70-94** Sponsored by Alderman Snowden

For the purpose of establishing policy regarding the supervision of relatives; and all matters relating to said supervision of relatives.

The Rules Committee reported unfavorably on O-70-94.

The Civil Service Board reported favorably with amendments on O-70-94.

Alderman Gilmer moved to adopt O-70-94 on second reading. Seconded.

Alderman Snowden moved to amend O-70-94 as follows:

Amendment No. 1:

On Page 2, strike lines 16 through 19 in their entirety; on that same page, line 22, strike "C" and substitute "B"; on that same page, strike line 24 in its entirety and substitute the following:

"1. EVALUATE THE JOB PERFORMANCE OF HIS OR HER RELATIVE; OR"

On that same page, line 30, strike "D" and substitute "C".

Seconded. A ROLL CALL vote was taken:

YEAS: Aldermen Gilmer, Tullier, Snowden, DeGraff, Moyer
NAYS: Mayor Hopkins, Aldermen Hammond, Johnson
CARRIED: 6-2

Alderman Snowden moved to adopt O-70-94 as amended on second reading. Seconded. CARRIED on voice vote.

Alderman Tullier moved to adopt O-70-94 Amended on third reading. Seconded. CARRIED on voice vote.

6. **O-79-94** Sponsored by Mayor Hopkins

For the purpose of revising certain Markethouse policies; establishing that the Central Services Officer shall administer markethouse leases; establishing procedures for resolving tenants' disputes arising under the terms of such leases including the right of appeal; and all matters relating to said Markethouse policies.

The Economic Matters Committee reported favorably on O-79-94.

Alderman Snowden moved to adopt O-79-94 on second reading. Seconded.

Alderman DeGraff moved to amend O-79-94 as follows:

Amendment No. 1:

On Page 2, strike lines 30 through and 40 in their entirety and substitute the following:

G. THE CENTRAL SERVICES OFFICER SHALL MANAGE THE MARKETHOUSE PROPERTY AND ADMINISTER ALL MARKETHOUSE LEASES ACCORDING TO THEIR TERMS.

H. THE BOARD OF APPEALS SHALL HAVE JURISDICTION TO HEAR AND DECIDE DISPUTES ARISING UNDER THE TERMS OF A MARKETHOUSE LEASE AS PROVIDED BY THE TERMS OF THE LEASE.

Seconded. CARRIED on voice vote.

Alderman DeGraff moved to adopt O-79-94 as amended on second reading. Seconded CARRIED on voice vote.

Alderman DeGraff moved to adopt O-79-94 amended on third reading. Seconded. CARRIED on voice vote.

7. **O-85-94** Sponsored by Mayor Hopkins

For the purpose of clarifying statutory language related to certain fines for parking violations; and all matters relating to said clarifications.

The Finance Committee reported favorably on O-85-94.

Alderman Snowden moved to adopt O-85-94 on second reading. Seconded. CARRIED on voice vote.

Alderman Snowden moved to adopt O-85-94 on third reading. Seconded. CARRIED on voice vote.

8. **O-89-94** Sponsored by Mayor Hopkins

For the purpose of changing the time of the regular monthly meetings of the City Council; and all matters relating to said time change.

The Rules Committee reported favorably with amendments on O-89-94.

Alderman Snowden moved to adopt O-89-94 on second reading. Seconded.

Alderman Snowden moved to amend O-89-94 as follows:

Amendment No. 1:

On Page 2, line 10, immediately preceding the period add the following:

"EXCEPT THAT THE CITY COUNCIL SHALL HAVE NO REGULAR MONTHLY MEETING DURING THE MONTH OF AUGUST"; and

On Page 1, line 42 immediately following the semicolon add the following:

"establishing that the City Council shall have no regular monthly meeting during the month of August;".

Seconded. CARRIED on voice vote.

Alderman Johnson moved to amend O-89-94 as follows:

Amendment No. 2:

On Page 2, line 13, immediately following "consideration by" strike "eleven-thirty" and substitute "ELEVEN".

Seconded. CARRIED on voice vote.

Alderman DeGraff moved to adopt O-89-94 as amended on second reading. Seconded.

CARRIED on voice vote.

Alderman Snowden moved to adopt O-89-94 Amended on third reading. Seconded.
CARRIED ON voice vote.

9. **O-95-94** Sponsored by Mayor Hopkins

For the purpose of changing the use of the proceeds of the Public Improvement Bonds of 1993 dated November 1, 1993 issued by the Mayor and City Council of the City of Annapolis; authorizing the transfer of \$53,060 from funds for Newtowne/Forest Drive Signal, Capital Project #418, \$12,650 from funds for Calvert Street Signal, Capital Project #419, \$72,200 from funds for 20" Water Main, Capital Project #950, and \$307,600 from funds for Bates High Senior Housing, Capital Project #603; \$65,710 to funds for Main Street Reconstruction, Capital Project #420, \$72,200 to funds for Bay Ridge/Chesapeake Storm Drain Improvements, Capital Project #109, and \$307,600 to funds for Wardour Storm Drains, Capital Project #110; and all matters relating to said use.

The Finance Committee reported favorably on O-95-94.

Alderman Tullier moved to adopt O-95-94 on second reading. Seconded. CARRIED on voice vote.

Alderman DeGraff moved to adopt O-95-94 on third reading. Seconded. CARRIED on voice vote.

10. **O-96-94** Sponsored by Mayor Hopkins

For the purpose of revising the fine for parking meter violations if paid within a certain time; and all matters relating to said fines.

There being no voiced objection O-96-94 was postponed.

11. **O-98-94** Sponsored by Mayor Hopkins

For the purpose of revising the cost of special all-day parking permits issued to owners of vehicles used to transport merchandise or materials and contractors; and all matters relating to said special parking permit.

The Finance Committee reported favorably on O-98-94.

Alderman Tullier moved to adopt O-98-94 on second reading. Seconded. CARRIED on voice vote.

Alderman DeGraff moved to adopt O-98-94 on third reading. Seconded. CARRIED on voice vote.

12. **O-1-95** Sponsored by Mayor Hopkins

For the purpose of establishing that Closed Meetings pursuant to Maryland State Government Article, Section 10-501, et. seq., shall not be considered in determining the next succeeding meeting for

reconsideration of any action taken by the City Council; and all matters relating to said reconsideration determination.

Alderman Moyer moved to adopt O-1-95 on first reading. Seconded. CARRIED on voice vote.

Referred to Rules Committee

13. **O-2-95** Sponsored by Alderman DeGraff

For the purpose of clarifying the purpose of historic district legislation and regulations; increasing Historic District Commission membership; revising the requirements for membership of the Historic District Commission; specifying that Commission rules of procedure shall be consistent with state and local laws; and all matters relating to said Commission.

Alderman Moyer moved to adopt O-2-95 on first reading. Seconded. CARRIED on voice vote.

Referred to the Rules Committee

14. **O-3-95** Sponsored by Mayor Hopkins

For the purpose of authorizing the installation and operation of sidewalk cafes on certain City sidewalks under certain terms and conditions after filing of an application with the Department of Planning and Zoning and the granting of a sidewalk cafe permit; establishing an alcoholic beverage license and fee for sidewalk cafes; revising open container provisions to allow possession and consumption of alcoholic beverages on sidewalk cafes; and all matters relating to said sidewalk cafes.

Alderman Moyer moved to adopt O-3-95 on first reading. Seconded. CARRIED on voice vote.

Referred to the Economic Matters Committee and Planning Commission

BUSINESS AND MISCELLANEOUS

1. **R-1-95** For the purpose of commending Ivan Torrence, of the Annapolis Police Department, and Joseph LaFrance, of the Blue Dragon Institute of Martial Arts, for their dedicated service to the After-School Martial Arts Program established in the Clay Street neighborhood of Annapolis; and all matters relating to said commendation.

Alderman Snowden moved to adopt R-1-95. Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Hammond, Johnson, Gilmer, Tullier, Snowden, DeGraff, Moyer

CARRIED: 8-0

2. **R-3-95** For the purpose of approving the appropriation of certain monies from

the surplus of the 1995 fiscal year to fund certain studies to be included in the Central and Outer West Street Corridor Study currently being prepared by the Department of Planning and Zoning; and all matters relating to said study.

There being no voiced objection R-3-95 was postponed.

3. Alderman Snowden moved to extend Police Chief Johnson's employment contract to December 31, 1998. Seconded. CARRIED on voice vote.
4. Alderman Snowden moved to adopt the Finance Committee minutes of 1/5/95. Seconded. CARRIED on voice vote.
5. Alderman Snowden moved to pay the monthly bills. Seconded. CARRIED on voice vote.
6. Alderman DeGraff moved to confirm the Mayor's appointments of the following named persons as set forth in Memoranda from Mayor Alfred A. Hopkins dated 1/3/95:

Planning Commission

Gerald L. Everett

Human Relations Commission

N. T. Sharp
Peggy A. Randall

Seconded. CARRIED on voice vote.

Upon motion duly made, seconded and adopted the meeting adjourned at 10:10 p.m.

**Deborah Heinbuch, CMC
Deputy City Clerk**